

CRIMINAL JUSTICE SERVICES BOARD
MINUTES
December 12, 2002

Members Present

The Honorable Linda Curtis
Ms. Marla Graff Decker (*proxy for Attorney General Kilgore*)
Mr. Jeffrey Dion
Ms. Helen Fahey
Dr. Paul Ferrara (*non-voting member*)
Mr. Thomas W. Fore, Sr.
Sheriff Vernie W. Francis, Jr.
Chief Atlas L. "Joe" Gaskins, Chairman
Mr. Frederick A. Hodnett, Jr.
Mr. John Jabe (*proxy for Acting Director of DOC*)
The Honorable Jerrauld C. Jones (*Director of DJJ*)
Dr. Jay Malcan
Mr. G. Jeffrey Mason
Colonel Gerald Massengill
The Honorable Robert E. Maxey, Jr.
Mr. Walter A. McFarlane
Chief Dennis A. Mook
Colonel Andre Parker
The Honorable Beverly Sherwood (*non-voting member*)
Ms. Mary Kay Wakefield
Mr. Christopher R. Webb

Members Not Present

Sheriff Beth Arthur
Ms. Emily M. Bryant
Dr. Marcella Fierro (*non-voting member*)
Judge Catherine Hammond
The Honorable Robert Hurt (*non-voting member*)
The Honorable Kenneth W. Stolle (*non-voting member*)
Judge Patricia L. West
The Honorable Martin E. Williams (*non-voting member*)

DCJS Staff Present

Leon Baker
Donna Bowman
John Byrd
Dan Catley
John Colligan
Deb Downing
Fran Ecker
George Gotschalk
Eleanore Kantzer
Andrew Molloy

Joe Marshall
Robert Mathieson
Jim McDonough
Katya Newton
Melissa O'Neill
Tim Paul
Karen Thomas
Janice Waddy
Carla Wagstaff
Christine Wiedemer

Others Present

George Haudricourt, A.D.T. Security Services, Inc.
Marilyn Harris, Assistant Secretary of Public Safety & Director of GOSAP
Patrick D. Harris, VCPA
Dana Schrad, VACP

Call to Order

The meeting was called to order by Chairman Gaskins at 11:00 a.m.

Approval of the Minutes

Chairman Gaskins called for a motion to approve the minutes of September 26, 2002. The motion was made and seconded. The minutes were unanimously approved as recorded.

Director's Report

Director Cooke began his report by discussing the Governor's Law Enforcement Summit which was held in Richmond on November 22. Approximately 160 police chiefs and sheriffs (or their top command staff) attended. Director Cooke noted that the Governor was present for most of the summit and that the Governor candidly spoke to the group about the state's budget situation and answered many questions. The morning program consisted of a panel discussion on the recent sniper case, and at lunch, the sniper case panelists responded to questions from their colleagues. The Governor was pleased with the event, and future gatherings will be considered.

Next, Director Cooke summarized his memo to the CJSB members concerning the use of Byrne funds. Concerning the impact of recent budget reductions, he said that the Agency's goal is to try to preserve core services, including the valuable work of the Division of Forensic Science. He then proudly announced the lab's latest achievement of having accomplished 1,000 cold hits against the convicted felon DNA database. Since its inception in 1989, the databank has grown to include more than 180,000 samples, making it the largest state DNA database in the United States.

Director Cooke discussed the Governor's special advisory panel on biased policing which has provided many valuable ideas on both the training and policy aspects of the Governor's initiative. Lastly, he mentioned the special federal grant from the Bureau of Justice Assistance designed to assist with overtime costs for the law enforcement agencies and localities involved in the sniper incident.

Committee on Training Report

Sheriff Maxey reported that the Committee held a public hearing during which five individuals expressed various views regarding the proposed changes to the entry-level law enforcement training standards. In addition to the public hearing, Ron Bessent gave the Committee an update on the statewide driving training track, and Eugene Claiborne gave a report on jail training accomplishments in the year 2002. Because the public hearing took so much of the COT's time allotment, the other agenda items were not discussed.

(A more detailed version of the Committee on Training report can be viewed on the Town Hall website where the minutes were posted by Thomas Nowlin, Secretary to the Committee on Training.)

Proposed Regulations for Implementation of DNA Arrestee Law

Dr. Paul Ferrara, Director of the DCJS Division of Forensic Science, introduced Katya Newton and talked about her efforts regarding the regulations for the implementation of the DNA arrestee law. He then proceeded to address the two issues raised at the September 26, 2002, meeting: (1) Who is responsible for collecting the saliva or tissue samples from the arrestees? (2) Does the arrestee law apply to juveniles?

Dr. Ferrara advised that the samples would be collected during booking by the sheriff's office, police department, or regional jail. Regarding juveniles, Dr. Ferrara advised that the Division of Forensic Science used the guidance of Martin Kent, an Assistant Attorney General. He said the Division took the latitude provided in Mr. Kent's letter and elected not to include any reference to juveniles in the regulations. However, samples would be taken from a juvenile if a magistrate found probable cause and a warrant was issued for the juvenile's arrest.

The CJSB members then viewed a video tape which was scripted by Katya Newton and produced gratis by the media department at Henrico County Police Headquarters. The tape, along with the DNA buccal collection kits, will be distributed to the local booking stations during the last two weeks of December 2002.

After questions from Jerrauld Jones, Fred Hodnett, and Jeffery Mason, Chairman Gaskins called for a motion to approve the proposed regulations. A motion was made, seconded, and passed unanimously.

A Report on the Kid-Safe Initiative

Marilyn Harris, Director of the Governor's Office for Substance Abuse Prevention and Assistant

Secretary of Public Safety, told the CJSB members that one of Governor Warner's goals is to ensure a safe and drug-free Virginia for all citizens of the Commonwealth, but most especially for Virginia's children. She said that Governor Warner launched the new Kid-Safe Initiative on November 21, 2002. The initiative receives its funding from the federal "Safe and Drug-Free Schools and Communities Program" grant and is connected to President Bush's "No Child Left Behind" initiative. The program is designed to prevent violence in and around schools, and it is designed to strengthen programs that prevent the illegal use of alcohol, tobacco, and drugs. Ms. Harris said that the program supports academic achievement, addresses many safety concerns, and has been supported by many corporations.

Ms. Donna Bowman, Director of the Virginia Center for School Safety, advised that Kid-Safe resources are intended to support the coordinated efforts of parents, educators, public safety professionals, and students throughout the Commonwealth. She described the products and services available through the Kid-Safe Program which include: personal, Internet, and crime prevention safety lessons; parent guides; identification kits; YADAPP, a youth leadership development program; a school safety tool kit, and more.

Consideration of V-STOP Grant Applications

Sheriff Maxey advised that a 20-member review team screened 101 applications. The subcommittee was recommending that 99 grants be approved for funding, making the total award \$2,897,080, which was \$22,272 less than the amount available. The unexpended 2003 funds would be allocated for the 2004 applicants.

Sheriff Maxey advised that 2 grants which the subcommittee initially denied had gone before an Appeals Subcommittee the morning of December 12. Mr. McFarlane, Chair of the Appeals Subcommittee, said that both the Fairfax and Suffolk grants were approved after both localities presented corroborating evidence that their applications were within the grant guidelines and after making some modifications to clarify any confusion.

Sheriff Maxey motioned that the Board accept the recommendations of the subcommittees. The motion was seconded and passed with the following recusals noted:

Linda Curtis	Hampton Commonwealth's Attorneys
Marla Decker	Attorney General's Office
Chief Gaskins	Roanoke City
Fred Hodnett	Supreme Court and VAWA Courts
Dr. Malcan	City of Richmond
Chief Mook	Newport News
Colonel Parker	City of Richmond

Consideration of Criminal History Records Improvement (CHRI) Grant Applications

Butch Johnstone advised that the Criminal Justice Information System (CJIS) Committee met on December 3, 2002, to review the recommendations of the grant review subcommittee. The full CJIS committee voted unanimously to endorse the 18 CHRI applications. Mr. Johnstone noted

that the grants for the County of Roanoke and the City of Vinton were reduced by 20% in keeping with the CJIS grant guidelines. Mr. Johnstone advised the Board that the Roanoke grant was adjusted even further because the Sheriff did not want to implement a partial program, and the City of Vinton dropped an \$81,000 consultant fee from its grant proposal.

A motion was made to accept the recommendations of the subcommittee. It was seconded and passed with the following recusals noted:

Marla Decker	Attorney General's Office
Fred Hodnett	Supreme Court
John Jabe	Department of Corrections
Jerrauld Jones	Department of Juvenile Justice
Dr. Malcan	City of Richmond
Colonel Parker	City of Richmond
Christopher Webb	Albemarle/Charlottesville, Rappahannock, and Southside Regional Jails

Consideration of Byrne Grant Applications

Dr. Jay Malcan advised that the subcommittee met via teleconference on December 6. Because of the budget situation, the Governor and Secretary of Public Safety requested that DCJS use some of the available Byrne funds to replace general funds being eliminated from the drug court, Exile, and Papis programs. These programs went through the normal review/approval process during last spring's grant cycle, so DCJS is planning to replace \$1,724,998 with federal Byrne funds for the second half of the grant period.

The remaining 26 applications included grants for regional academy projects, mini grants to local CASA programs, crime prevention initiatives of the Virginia Crime Prevention Association, jail inmate population forecasting, and other projects that involve criminal justice issues. The DCJS grant requests involved programs that the Agency has been tasked to do, but does not have state resources to support due to the budget shortfall.

Five of the 26 applications were denied for not meeting program guidelines, and Dr. Malcan advised that no appeals were received. The Department of Juvenile Justice withdrew its application in order to explore the possibility of a no-cost extension to its existing grant for an additional year.

A motion was made to accept the recommendations of the subcommittee. It was seconded and passed with the following recusals noted:

Jerrauld Jones	Department of Juvenile Justice
Chief Mook	Hampton Roads Criminal Justice Academy
Christopher Webb	Rappahannock and Central Virginia Criminal Justice Academies

New Business

Chief Gaskins announced the new meeting dates for calendar year 2003: March 13, May 8, June 12, September 18, and December 11. He then thanked the members who volunteered to participate on the various subcommittees, and once again asked for assistance in that regard.

The subject of asset forfeiture funds was addressed. Director Cooke asked the members to read a letter he received from Charles Sharp, President of the Virginia Association of Commonwealth Attorneys. Mr. Sharp asked Director Cooke to place on the December agenda an item related to revisiting the state's guidelines concerning the use of asset forfeiture monies. Mr. Sharp wants the Board to expand the use of such funds to include employee compensation. Because the letter was received two days prior to the December CJSB meeting, Chairman Gaskins and Director Cooke decided to place the topic under "New Business." A brief discussion took place among the members, and it was decided that Ms. Curtis would assemble a group to examine the issue. The group will consist of: Linda Curtis, Fred Hodnett, Jeff Mason, Chief Mook, and Jerrauld Jones.

Adjournment

Chairman Gaskins asked if anyone in the audience had any further business to present to the Board. In the absence of further business, the Chairman called for a motion. A motion to adjourn was made, seconded, and passed unanimously. The meeting adjourned at 12:30 p.m.

Respectfully submitted:

Christine Y. Wiedemer

Approved:

The Honorable A. L. (Joe) Gaskins
Chairman

Date